

A. G. Contract No. KR93 1372TRN
ECS File: JPA 93-98
Project: 999 MA 000 H23232 02X
Section: Air Quality Monitoring

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
MARICOPA COUNTY, ARIZONA

THIS AGREEMENT is entered into 9 November, 1993,
pursuant to Arizona Revised Statutes Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through it's DEPARTMENT OF TRANSPORTATION (the "State") and
MARICOPA COUNTY, ARIZONA acting by and through its BOARD OF
SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 and 28-112 to enter into this agreement and has
by resolution, a copy of which is attached hereto and made a
part hereof, resolved to enter into this agreement and has
delegated to the undersigned the authority to execute this
agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes
Section 11-251 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the County.

3. The Federal Intermodal Surface Transportation
Efficiency Act of 1991 has made funds available to the State
for the use of the County for expanding and upgrading the
existing Air Quality Monitoring Program. The State and the
County desire to define their respective responsibilities
relating to the transfer of up to \$500,000.00 for FY93 thru the
State to the County and the expenditure thereof.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>18197</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>11/09/93</u>
<u>Richard Mahoney</u> Secretary of State
By <u>Dicky J. Greenwood</u>

II. SCOPE

1. The State will:

Provide the County Federal Air Quality Improvement funds in the amount of up to \$500,000.00, on a monthly cost reimbursement basis for activities performed relating to the Air Monitoring Program, in accordance with Attachment A, which is incorporated herein and made a part hereof.

2. The County will:

a. Provide required matching funds in the amount of up to \$30,223.00. Apply funding to project work activities in strict accordance with applicable Federal and State laws, rules and regulations.

b. Issue requests for proposals, and hire consultants as required to perform evaluation and provide recommendations for expanding and upgrading the present air monitoring network, and accomplish related work activities. Comply with all applicable Federal and State procurement, accounting and record keeping laws. Be responsible for consultant claims for extra compensation.

c. Site, operate and maintain air quality monitors and related equipment and administer and conduct the Air Monitoring program generally in accordance with Attachment A.

d. Invoice the State for reimbursements no more often than monthly, supported by narrative reports, in a total amount not to exceed \$500,000.00.

III. MISCELLANEOUS PROVISIONS

1. The only interest of the Department of Transportation in this agreement is to convey federal pass through funds for the use and benefit of the County by reason of State and Federal law under which funds for the activities are authorized to be expended.

2. Should the work contemplated under this agreement be completed at a lower cost than the reimbursed amount, or for any other reason should any of these funds not be expended, a proportionate amount of the funds provided shall be reimbursed to the State.

3. This agreement shall remain in force and effect until completion of said activities and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

4. This agreement shall become effective upon the obligation of federal funds and filing with the Secretary of State.

5. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

6. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

7. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

8. All notices or demands upon any party relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Room 222E Mail Drop 616E
Phoenix, AZ 85007

Maricopa County
County Manager
301 West Jefferson Street
Phoenix, AZ 85003

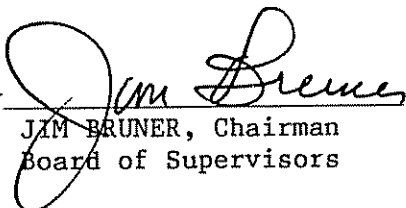
9. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this agreement and that the agreement is in proper form.

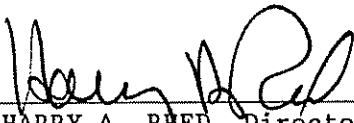
IN WITNESS WHEREOF, the parties have executed this agreement
the day and year first above written.

MARICOPA COUNTY, ARIZONA


STATE OF ARIZONA

Department of Transportation

By 
JIM BRUNER, Chairman
Board of Supervisors

By 
HARRY A. REED, Director
Transportation Planning

ATTEST


By 
FRAN MCCARROLL OCT 06 1993
Clerk of the Board

JPA 93-98

RESOLUTION

BE IT RESOLVED on this 24th day of June 1993, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into an agreement with Maricopa County for the purpose of defining responsibilities for the pass through of federal funds for the County to conduct, expand and improve the Air Quality Monitoring Program.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Director, Transportation Planning Division.


for LARRY S. BONINE
Director

MARICOPA COUNTY BOARD OF SUPERVISORS
AGENDA FORM

Please return an executed copy to
the Clerk of the Board of Supervisors.

Contract/Lease for ☐ NEW ☒ RENEWAL ☐ AMENDMENT ☐ CANCELLATION
(for existing record Encumbrance No. below)

LOW ORG. NO. 7724 DEPARTMENT: ENVIRONMENTAL MANAGEMENT CONTROL NUMBER: _____
ENVIRONMENTAL QUALITY AND
ENCUMBRANCE NO. CS931025 AGENCY: COMMUNITY SERVICES AGENCY CONTROL NUMBER: EQEV9319

1. BRIEF DESCRIPTION OF PROPOSAL AND REQUESTED BOARD ACTION:

Environmental Quality and Community Services Agency, recommends the Board of Supervisors approve an Intergovernmental Agreement (IGA) between Maricopa County and the Arizona Department of Transportation (ADOT) to provide Maricopa County \$500,000 on a reimbursable basis to continue to upgrade and enhance the Maricopa County Regional Air Quality Network. This IGA represents a continuation of efforts initiated in FY-1992. This Agreement becomes effective upon filing with the Secretary of State and remains in effect until all funds are expended. The IGA requires a 5.7% County match which will be satisfied by county personnel costs assigned to this project and is part of the approved FY-1993/94 Division of Air Pollution Control budget.

AFTER FINAL ACTION BY THE BOARD OF SUPERVISORS, PLEASE ISSUE 3 CLERK CERTIFICATES AND RETURN THREE (3) ORIGINALS TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

2. COMPLIANCE WITH MARICOPA COUNTY PROCUREMENT CODE

M3901

article

paragraph

Bernard Zuckerman
Procurement Officer

SOLE SOURCE JUSTIFICATION

3. CONTINUED FROM MEETING OF
DISCUSSED IN MEETING OF

4. ☐ THIS DEPARTMENT WILL CAUSE PUBLICATION
☐ CLERK OF THE BOARD TO CAUSE PUBLICATION

5. MOTION: It is moved that the Maricopa County Board of Supervisors...approve an Intergovernmental Agreement between Maricopa County and the Arizona Department of Transportation in the amount of \$500,000 to continue the upgrading and enhancement of the Maricopa County Regional Air Quality Monitoring Network.
the Clerk of the Board of Supervisors.

6. FINANCIAL: ☐ Expenditure ☒ Revenue ☒ Budgeted ☐ Contingency ☐ Budget Amendment ☐ Transfer ☒ Grant
or other

500,000
Total

ENV. MGMT
Fund

Frank Oberst 9/7/93
Finance Officer Date

7. PERSONNEL:

Personnel Director

Date

8. DEPARTMENT: Environmental Management
Karen Heidel, Ph. D., Director

Karen A. Heidel
Action Recommended by

9/30/93
Date

9. MATERIALS MANAGEMENT:

A. Materials Management Director

Date

B. W/MBE Representative

Date

10. LEGAL: Approved as to form and within the powers and authority granted under the laws of the state of Arizona to the Maricopa County Board of Supervisors

Will R. L.
Deputy County Attorney

9/1/93
Date

11. OTHER:

Signature

Date

12. APPROVED FOR AGENDA:

Don E. McDaniel, Jr.
Don E. McDaniel, Jr., Deputy County Manager
Approving Official

9/10/93
Date

13. OTHER:

Signature

Date

14. BOARD OF SUPERVISORS: Action Taken:
☒ Approved ☐ Amended ☐ Disapproved ☐ Deleted
Continued to:

Ed. [Signature]
Clerk of the Board

10-6-93
Date

15. RECOMMENDATION OF COUNTY MANAGER:

Comments: ☒ Approve ☐ Disapprove

Don R. Pederson
County Manager

Date

JPA 93-98

APPROVAL OF THE MARICOPA COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and MARICOPA COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 1 day of September, 1993.

Neil P. L., Deputy

County Attorney

ATTACHMENT A

Title: AIR QUALITY MONITORING IMPROVEMENTS

Funding: \$500,000 FY 1993 STP Funds

TIP/UPWP

Reference: Item #307, III, P. 47 of MAG FY 1993/1997
Transportation Improvement Program; P. 29 of State
Transportation Improvement Program

Implementing

Agency: Maricopa County Division of Air Pollution Control

Description: 1992 STP funds allowed Maricopa County Division of Air Pollution Control to retain a contractor to assist in evaluating the Air Monitoring Program and provide recommendations and support for expanding and upgrading the present network. Phase I of the report covers all improvements needed to comply with minimum EPA requirements and will be funded with 1992 STP funds. Phase II of the report involves the implementation of additional sites in anticipation of future needs that go beyond current minimum requirements and will require additional 1993 STP funds.

Background: The air quality models used by MAG to forecast air pollution concentrations and to evaluate pollution control strategies require data input from a comprehensive geographic area. The urbanized portion of the Phoenix metropolitan area has been designated by EPA as non-attainment for three criteria pollutants: ozone, carbon monoxide and particulates. Section 110 of the Clean Air Act requires State Implementation Plans which "provide for establishment and operation of appropriate devices, methods to analyze data on ambient air quality".

Eligibility
for STP

Funding: \$1,310,000 in STP funds was awarded to the Division in 1992. The 1993 funds will be used to continue the scope of work as outlined in 1992. Expansion and upgrading of the air monitoring network was adopted as a control measure in the 1987 MAG Carbon Monoxide Plan, which is part of the EPA approved State Implementation Plan.

The air quality benefits from this project will be indirect, i.e. achieved through subsequent additions and refinements to control measure strategies based on analysis of ambient air quality data.

Implementation
Schedule:

The 1993 AeroVironment Inc. Phase I Study recommended eight new additional sites to meet minimum EPA requirements. Phase II recommendations include: additional sophisticated meteorological instrumentation, additional 'complete' monitoring sites (as populations and traffic increases), 'saturation' studies for particulates (PM₁₀), and at least one set of additional criteria air monitoring analyzers.

A phase-in period will allow for prioritizing the modernization and expansion of the monitoring network.

Equipment will be purchased in two groups. The first group will be equipment purchased by October 1, 1993.

Equipment will be deployed on receipt.

AeroVironment's recommended equipment list is attached.

Cost:

FY 1993 total federal cost is \$500,000. Included in the request are: upgraded equipment for existing sites, new equipment, meteorological equipment, monitoring site upgrades, equipment trailers/shelters, spare parts, and calibrating/test equipment.



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR93-1372-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 5th day of November, 1993.

GRANT WOODS
Attorney General

A handwritten signature in black ink, appearing to read "James R. Redpath", written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
8290G